

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

R. CATHY REARDON, ETC.,)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1730
)	
CLOSETMAID CORPORATION,)	
ET AL.,)	
Defendants.)	

ORDER

AND NOW, this 9th day of September, 2009, IT IS HEREBY ORDERED that the parties shall proceed as follows:

1.) Defendant Emerson Electric Co. shall file their motion for summary judgment motion, and brief in support, on or before **October 19, 2009.** The motion for summary judgment must set forth succinctly, but without argument, the specific grounds upon which the judgment is sought and must be accompanied by:

A. A separately filed concise statement setting forth the facts essential for the court to decide the motion, which the moving party contends are **undisputed and material**, including any facts which for purposes of the motion only are assumed to be true. The facts set forth in any party's Concise Statement shall be stated in separately numbered paragraphs in a form similar to a plaintiff's complaint. At the conclusion of each fact, a party must cite to a particular pleading, deposition, answer to interrogatory, admission on file or other part of the record supporting the party's statement, acceptance, or denial of that fact;

B. A supporting memorandum addressing applicable law and explaining why there are no genuine issues of material fact to be tried and why the moving party is entitled to judgment as a matter of law; and

C. An appendix including documents referenced in the Concise Statement. Such documents need not be filed in their entirety. Instead, the filing party may extract and highlight the relevant portions of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting, will be adequate.

2.) Plaintiff's response to defendant's motion for summary judgment and brief shall be due on or before **November 18, 2009**. The response in opposition to a motion for summary judgment shall consist of the following:

A. A separately filed concise statement, which responds to each numbered paragraph in the moving party's Concise Statement of Material Facts by:

(1) admitting or denying each fact contained in the moving party's Concise Statement of Material Facts, and where appropriate, indicating whether a fact is immaterial.

(2) If disputed or not admitted in its entirety, the respondent shall state a concise counter statement of the matter. At the conclusion of each counter statement, respondent shall refer, with particularity, to those portions of the record upon which respondent relies. For example,

"5) Admitted.

6) Disputed. On the contrary . . . (See plaintiff's deposition of November 1, 2007, at Page 7, lines 12-14)"; and

(3) setting forth in separately numbered paragraphs any other material facts that are allegedly at issue, and/or that the opposing party asserts are necessary for the court to determine the motion for summary judgment;

B. A memorandum of law in opposition to the motion addressing applicable law and explaining why there are genuine issues of material fact to be tried and/or why the moving party is not entitled to judgment as a matter of law; and

C. An appendix including documents referenced in the Responsive Concise Statement. Such documents need not be filed in their entirety. Instead, the filing party may extract and highlight the relevant portions of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting, will be adequate.

3.) Any reply to a response to a motion for summary judgment shall be due on or before **December 8, 2009**. Any reply to a response in opposition to the motion for summary judgment shall be made in the same manner as set forth in LR 56.1C, and the instructions immediately above. Alleged material facts set forth in the moving party's Concise Statement of Material Facts or in the opposing party's Responsive Concise Statement will, for the purpose of deciding

the motion for summary judgment, be deemed admitted unless specifically denied or otherwise controverted by a separate concise statement, with specific citation to the record, of the opposing party.

4.) THERE SHALL BE NO OTHER BRIEFING UNLESS ORDERED BY THE COURT.

BY THE COURT:

s/Gary L. Lancaster, J.
Hon. Gary L. Lancaster,
United States District Judge

cc: All Counsel of Record